

PATRICIA A. PIERCE, )  
 )  
 Plaintiff, )  
 )  
 v. ) 1:12CV743  
 )  
 TORNELLO F. PIERCE, )  
 )  
 Defendant. )

On October 28, 2013, the United States Magistrate Judge's Memorandum Opinion and Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. (Docs. 6 and 7.) No objections were filed within the time limits prescribed by Section 636. However, on December 31, 2013, the Defendant in this action, Tornello F. Pierce, filed a document (Doc. 8) entitled "Notice of Appeal." In that filing, Defendant states that notice is given of "appeal to the United States Court Appeals" from the recommendation entered on October 28, 2013. Because a recommendation is not a final order or judgment, this court will construe the filing as an objection to the Magistrate Judge's Recommendation. This court has made a de novo review of

the recommendation and finds that it should be adopted. The Magistrate Judge's Recommendation is hereby adopted.

Although Defendant is proceeding pro se, Defendant Tornello Pierce's objection contains language that is completely inappropriate for a pleading in this court. Defendant is surely entitled to disagree with and dispute an adverse ruling by any court. However, as most aptly stated by another court in this district, "What unfortunately may pass as debate in public discourse is not acceptable in a court of law . . . criticisms of adverse rulings, especially in court filings [must be] articulated in a professional manner and [must not] devolve into opprobrious, personal attacks." (See Hancock v. Astrue, 1:09CV87, Order (Doc. 33) (M.D.N.C. 7/9/2012.))

Defendant Tornello F. Pierce El-Bey is cautioned, in any future filings, whether this case or any other, to direct his arguments to the merits without impugning the integrity of the effort or reputation of the Magistrate Judges, or such filings will be struck. See Theriault v. Silber, 579 F.2d 302, 303 (5th Cir. 1978) (dismissing pro se appeal for inappropriate invective and noting "the time honored notion that the law and the courts of the United States are important parts of American society worthy of respect").

**IT IS THEREFORE ORDERED** that this action is **REMANDED** to the District Court of Guilford County. The Clerk of Court is directed to send a certified copy of this Order to the Guilford County District Court Clerk.

**IT IS FURTHER ORDERED** that Defendant's Motion for Entry of Default (Doc. 4) and Motion for Default Judgment (Doc. 5) are **DENIED**.

This the 14th day of January, 2014.

*William L. Osburn, Jr.*  
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United States District Judge